

**NOV 18 2008**

PTO/SB/21 (01-08)

Approved for use through 02/29/2008. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/600,028

Filing Date

23 June 2003

First Named Inventor

FOSTER, Harold Douglas

Art Unit

1642

Examiner Name

Attorney Docket Number

HMT01/3619/US

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change or Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Barigar Intellectual Property Law

Signature

Printed name

Robert H. Barrigar

Date

18 November 2008

Rec. No.

26,126

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Laura Duckett

Date

18 November 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you cannot access the form on the USPTO website, call 1-800-351-8000 and ask for the form.

**RECEIVED**  
**CENTRAL FAX CENTER**  
**NOV 18 2008**

HMT01/3619/IS

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Office of Petitions

Serial No.: **10/600,028**

Filing Date: **23 June 2003**

Title: **PROTOCOL FOR AIDS PREVENTION AND TREATMENT BY**  
**NUTRITIONAL METHODS**

Inventor: **DAVID DOUGLAS FOSTER**

Examiner: **Not known**

Art Unit: **1642**

To: **The Commissioner for Patents**  
**United States Patent and Trademark Office**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**18 November 2008**

Dear Sir:

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT**

This letter is in reply to the Notice of Abandonment dated 9 October 2008.

A complete response was filed with a Power of Attorney and Correspondence Address Indication Form by the deadline. Enclosed is a copy of the originally filed reply and a certificate of mailing or transmission. As required, a copy of the notice of abandonment is enclosed.

- Page 1 of 2 -

**BEST AVAILABLE COPY**

## REMARKS

Applicant submits that the enclosed documents demonstrate that a complete response was timely filed with regard to the Notice To File Missing Parts.

Respectfully submitted,



By: Robert H. Barrigar, Registration No. 26,125  
(250) 389-0387

AMF:ajb  
Enclosure

Y:\HMT01\3619 US\USPTO\Resp to Not Abandonment 081118.wpd

**RECEIVED**  
**CENTRAL FAX CENTER**  
**NOV 18 2008**



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 37(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./FILE
10:600.028	06/23/2003	Harold Douglas Foster	HMT01/3619/US

**CONFIRMATION NO. 1326**

**ABANDONMENT/TERMINATION  
 LETTER**



OC000000032533891

22433  
 ROBERT H. BARRIGAR  
 BARRIGAR INTELLECTUAL PROPERTY LAW  
 1007 FORT STREET  
 SUITE 201  
 VICTORIA, BC V8V 3K5  
 CANADA

Date Mailed: 10/09/2008

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/04/2008.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via "Express Mail," a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the "Express Mail" mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPC.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.